

At section 4, claims 1, 3-14, 19-40 are rejected under 35 U.S.C. 102(b) as being anticipated by *Gersho et al.* (U.S. Patent No. 6,311,154, hereafter referred to as *Gersho*). The Examiner states that *Gersho* discloses an encoding method as claimed. The Examiner considers a CELP-type encoder, such as an AbS coder, as a parametric coder which can be used for segmenting, coding and decoding audio signals. In particular, the Examiner states that *Gersho* discloses an encoding method wherein samples of a speech signal is partitioned in the frames, the speech signal in each frame is classified and an excitation for the frame is encoded by one of the plurality of excitation encoding techniques based on the class of the frame (col.4, lines 23-32). The classes of the frames are: unvoiced, voiced and transition (col.4, lines 51-55). The Examiner considers segments as being the same frames.

It is respectfully submitted that a frame is not the same as a segment. A segment can have one or more frames. Furthermore, the claimed invention is concerned with a parametric-type encoding method wherein a parametric speech production model is used to obtain a set of parameters from the audio signal so as to produce a further audio signal in the decoder based on the parameters. In contrast, *Gersho* discloses a CELP-type encoding method. A CELP coder relies on waveform matching, but a parametric coder does not use waveform matching because the time synchrony between coder input and output signal is lost. For that reason, a CELP-type encoder is not a parametric coder as stated by the Examiner.

Moreover, in the claimed invention, audio signal is segmented into segments based on the audio characteristics of the audio signal. In *Gersho*, the sample of a speech signal is first partitioned into frames and each frame is then classified into one of a plurality of classes. *Gersho* does not partition the speech signal in frames based on the classes as stated by the Examiner.

For the above reasons, claims 1, 19, 22, 26, 27, 31 and 32 are clearly distinguishable over *Gersho*.

As for claims 3-14, 20, 21, 23-25, 28-30, 33-40 are dependent from claims 1, 19, 22, 26, 27 and 31 and recite features not recited in claims 1, 19, 22, 26, 27 and 31. For reasons regarding claims 1, 19, 22, 26, 27 and 31 above, it is respectfully submitted that claims 3-14, 20, 21, 23-25, 28-30, 33-40 are also distinguishable over *Gersho*.

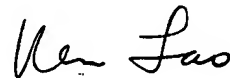
At section 6, claims 15-18 are rejected under 35 U.S.C as being unpatentable over *Gersho* in view of *Gersho IEEE-96*.

It is respectfully submitted that claims 15-18 are dependent from claim 1 and recite features not recited in claim 1. For reasons regarding claim 1 above, claims 15-18 are also distinguishable over *Gersho* in view of *Gersho IEEE-96*.

CONCLUSION

Claims 1, 3-40 are allowable. Early allowance of all pending claims is earnestly solicited.

Respectfully submitted,



Kenneth Q. Lao
Attorney for the Applicant
Registration No. 40,061

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955